

REMARKS/ARGUMENTS

In the Office Action mailed August 22, 2007, the Office Action rejected claims 1, 6, 10 and 14 under 35 U.S.C. § 102. The Office Action also rejected claims 2-5, 7-9, 11-13 and 15-24 under 35 U.S.C. § 103. Claims 1, 10 and 14 have been amended.

Applicant respectfully responds to the Office Action.

I. Double Patenting

The Office Action advised that should claim 19 be found allowable, claim 23 will be objected to under 37 C.F.R. 1.75 as being a substantial duplicate thereof. Applicant submits that claims 19 and 23 are different from each. Applicant respectfully requests reconsideration.

II. Claims 1, 6, 10 and 14 Rejected Under 35 U.S.C. § 102(b)

The Office Action rejected claims 1, 6, 10 and 14 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0186765 to Morley et al. (hereinafter, "Morley"). This rejection is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ... claim." Id. (citing Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." In re Paulsen, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicant respectfully submits that the claims at issue are patentably distinct from Morley. Morley does not disclose all of the limitations in these claims.

Claim 1 as amended recites "copying one or more pixels including the unique pixel or the unique pixels from the group of pixels to a second bitmap, wherein the one or more pixels copied

from the group of pixels to the second bitmap are not altered or transformed such that a new pixel value is not created, and wherein one or more pixels are not copied to the second bitmap and are not the unique pixel or pixels.” Support for this amendment may be found in Applicant’s Specification in at least paras. [43] and [46] and Figures 6 and 9 of the present application. Morley does not disclose this claim subject matter.

Instead Morley states:

FIG. 4a illustrates an example of a 4:4:4 block of pixel data 400. Values are given for each for each color luminance and chrominance component Y, C_b and C_r for each pixel... To decimate a block of chrominance pixel data from 4:4:4 format to 4:2:2 format, filtering of each chrominance component C_b and C_r is performed. In an embodiment, the filtering process involves weighting column values by using a gaussian filter for a particular element with adjacent elements. Column filtering is preferred in that it has been found that more correlation exists in horizontal directions, as opposed to vertical directions. In an embodiment, an element (n-1,m) in a 4:2:2 format is derived by taking the sum of 25% of the (n-1, m-1) element, 50% of the (n-1, m) element, and 25% of the (n-1, m+1) element. Accordingly, in 4:2:2 format, the new value of (n-1,m) is as follows:

$$(n-1,m)=(0.25*20)+(0.50*32)+(0.25*28)=28$$

Morley, paragraph [0063].

Morley thus discloses a method of decimating a “block of chrominance pixel data” by performing a “filtering of each chrominance component C_b and C_r.” (Morley, paragraph [0063].) “Similar calculations are made for every other column of elements, resulting in a table of elements in 4:2:2 format as illustrated in FIG. 4b. Accordingly, every other column of data has been removed, but their values are represented in the remaining columns using the above described weighted relationship.” (Morley, paragraph [0064].) Because Morley discloses the use of filtering to “decimate a block of chrominance pixel data,” the pixel values of Morley are consequently altered. (Morley, paragraph [0063].) The pixel values of Morley are altered when “every other column of data has been removed, but their values are represented in the remaining columns.” (Morley, paragraph [0064].)

That Morley discloses the alteration of pixel values is further illustrated in Figures 4A and 4B of Morley. When comparing Figures 4A and 4B of Morley, columns of data in Figure 4A have been removed in Figure 4B. Furthermore, the remaining elements in Figure 4B have been altered from their values in Figure 4A. For the above reasons, Morley does not disclose “copying one or more pixels including the unique pixel or the unique pixels from the group of pixels to a second bitmap, wherein the one or more pixels copied from the group of pixels to the second bitmap are not altered or transformed such that a new pixel value is not created, and wherein one or more pixels are not copied to the second bitmap and are not the unique pixel or pixels.”

In view of the foregoing, Applicant respectfully submits that claim 1 is patentably distinct from Morley. Accordingly, Applicant respectfully requests that the rejection of claim 1 be withdrawn because Morley does not disclose all of the claim subject matter of claim 1.

Claim 6 depends directly from claim 1. Accordingly, Applicant respectfully requests that the rejection of claim 6 be withdrawn for at least the same reasons as those presented above in connection with claim 1.

Claims 10 and 14 include subject matter similar to the subject matter of claim 1. As such, Applicants submit that claims 10 and 14 are patentably distinct from Morley for at least the same reasons as those presented above in connection with claim 1 and request that the rejection of these claims be withdrawn.

III. Rejection of Claims 2, 4, 11-13, 15, 19, 23 and 24 Under 35 U.S.C. § 103(a)

The Office Action rejected claims 2, 4, 11-13, 15, 19, 23 and 24 under 35 U.S.C. § 103(a) based on Morley in view of U.S. Patent No. 5,754,698 to Suzuki et al. (hereinafter, “Suzuki”). This rejection is respectfully traversed.

The factual inquiries that are relevant in the determination of obviousness are determining the scope and contents of the prior art, ascertaining the differences between the prior art and the claims in issue, resolving the level of ordinary skill in the art, and evaluating evidence of secondary consideration. KSR Int’l Co. v. Teleflex Inc., 550 U.S. ___, 2007 U.S. LEXIS 4745, at **4-5 (2007)

(citing Graham v. John Deere Co. of Kansas City, 383 U.S. 1, 17-18 (1966)). To establish a *prima facie* case of obviousness, the prior art references “must teach or suggest all the claim limitations.” M.P.E.P. § 2142. Moreover, the analysis in support of an obviousness rejection “should be made explicit.” KSR, 2007 U.S. LEXIS 4745, at **37. “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” Id. (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Applicant respectfully submits that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the subject matter of these claims.

Claims 2 and 4 depend either directly or indirectly from claim 1. Accordingly, Applicant respectfully requests that the rejection of claims 2 and 4 be withdrawn for at least the same reasons as those presented above in connection with claim 1.

Claims 11-13 depend either directly or indirectly from claim 10. Accordingly, Applicant respectfully requests that the rejection of claims 11-13 be withdrawn for at least the same reasons as those presented above in connection with claim 10.

Claims 15, 19, 23 and 24 depend either directly or indirectly from claim 14. Accordingly, Applicant respectfully requests that the rejection of claims 15, 19, 23 and 24 be withdrawn for at least the same reasons as those presented above in connection with claim 14.

IV. Rejection of Claims 3, 5, 7-9, 16-18 and 20-22 Under 35 U.S.C. § 103(a)

The Office Action rejected claims 3, 5, 7-9, 16-18 and 20-22 under 35 U.S.C. § 103(a) based on Morley in view of Suzuki in further view of U.S. Patent No. 5,097,518 to Scott et al. (hereinafter, “Scott”).

Claims 3, 5 and 7-9 depend indirectly from claim 1. Accordingly, Applicant respectfully requests that the rejection of claims 3, 5 and 7-9 be withdrawn for at least the same reasons as those presented above in connection with claim 1.

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Claims 16-18 and 20-22 depend indirectly from claim 14. Accordingly, Applicant respectfully requests that the rejection of claims 16-18 and 20-22 be withdrawn for at least the same reasons as those presented above in connection with claim 14.

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V. Conclusion

Applicant respectfully asserts that all pending claims are patentably distinct from the cited references, and requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Wesley L. Austin', written in a cursive style.

/Wesley L. Austin/

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